

# PETITION FOR ZONING VARIANCE 84-206-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part thereof, hereby petition for a Variance from Section 11-101.3 B 3 to permit side yard set backs of 25 feet instead of required 35 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
James E. Althoff  
(Type or Print Name)  
Signature  
6116 Everall Avenue  
Baltimore, Maryland 21206  
City and State  
For Petitioner:  
Signature  
Perry Hall, Maryland 21128  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
Phone No.  
Attorney's Telephone No.:  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of December 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that proper notice be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County, in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of February, 1984, at 11:00 o'clock A.M.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
S/S of Bird River Grove Rd., : OF BALTIMORE COUNTY  
4,752' E of the Centeline of :  
Ebenezer Rd., 15th District  
JOHN W. LEE, et ux, Petitioners : Case No. 84-206-A

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 26th day of January, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. John W. Lee, 4520 Forge Rd., Perry Hall, MD 21128, Petitioners; and Mr. James E. Althoff, 6116 Everall Ave., Baltimore, MD 21206, Contract Purchaser.

Phyllis Cole Friedman  
Phyllis Cole Friedman

## BALTIMORE COUNTY

## ZONING PLANS ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 8, 1984

Mr. & Mrs. John W. Lee  
4520 Forge Road  
Perry Hall, Maryland 21128

RE: Item No. 145 - Case No. 84-206-A  
Petitioner John W. Lee, et ux  
Variance Petition

Dear Mr. & Mrs. Lee:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Particular attention should be afforded to the comments of the Department of Permits and Licenses. For further information on these comments, you may contact Mr. Charles Burnham at 494-3987. In addition, I suggest you contact Mr. Steve Adamski of the Health Department at 494-2762 for information concerning the percolation tests on this lot.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
Nicholas B. Commodari, Jr.  
NICHOLAS B. COMMODARI, Chairman  
Zoning Plans Advisory Committee

NBC:bsc  
Enclosures

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

February 9, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 143, 144, 145, 146, 147, and 149 Meeting of December 20, 1983  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 143, 144, 145, 146, 147, and 149.

Michael S. Flanagan  
Traffic Engineering Assoc. II

MSF/ccm

## BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 145, Zoning Advisory Committee Meeting of Dec. 20, 1983  
Property Owner: John W. + Elizabeth A. Lee  
Location: S/S Bird River Grove Road District 15  
Water Supply: public Sewage Disposal: private

## COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)  
2/22 84-206A

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

February 1, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #145 (1983-1984)  
Property Owner: John W. & Elizabeth A. Lee  
S/S Bird River Grove Rd. 4752' E. from centerline Ebenezer Rd.  
Acres: 100 X 232.3 District: 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

## Highways:

Bird River Grove Road, an existing public road, is proposed to be further improved as a 30-foot closed section roadway on a 50-foot right-of-way.

## Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

## Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

## Water and Sanitary Sewer:

Public 8-inch water main exists in this vicinity of Bird River Grove Road (Drawing #73-0696, File 3).

Item #145 (1983-1984)  
Property Owner: John W. & Elizabeth A. Lee  
Page 2  
February 1, 1984

## Water and Sanitary Sewer: (Cont'd)

Public sanitary sewerage is not available to serve this property, which is within the Baltimore County Metropolitan District and beyond the Comprehensive Metropolitan Facilities Planning Area. Baltimore County Water Supply and Sewerage Plans W and S-178, as amended through January 1982, indicate "No Planned Service" in the area.

Very truly yours,

Robert A. Norton, P.E., Chief  
Bureau of Public Services

RAM:EW:ENR:ss

M-NE Key Sheet  
31 NE 39 Pos. Sheets  
NE 8 J Topo  
73 Tax Map

JUN 20 1984

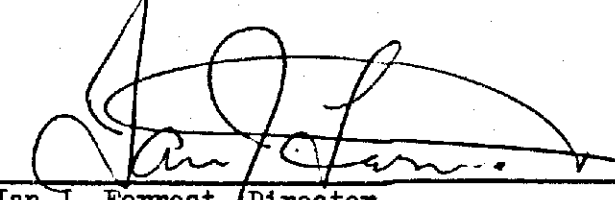


Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

Zoning Item # 145  
Page 2

- ( ) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- ( ) Soil percolation tests have been conducted.  
( ) The results are valid until \_\_\_\_\_  
( ) Revised plans must be submitted prior to approval of the percolation tests.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test \_\_\_\_\_  
( ) shall be valid until \_\_\_\_\_  
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- ( ) All roads and parking areas should be surfaced with a dustless, bonding material.
- ( ) No health hazards are anticipated.
- (X) Others Soil percolation tests are scheduled to be conducted on Feb. 7, 1984 by this office. Approval of a Building Permit by this office will be contingent upon satisfactory results of these tests. Metropolitan water is available to this site and must be utilized when house is constructed.

  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204 2566  
454-4300

PAUL H. REPKKE  
CHIEF

February 14, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: John W. and Elizabeth A. Lee

Location: S/S Bird River Grove Road 4752' E. from C/I Ebenezer Road

Item No.: 145

Zoning Agenda: Meeting of December 20, 1984

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Paul H. Repkke Chief  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

2/22/84-206-A

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
454-3010

TED JABLON, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

January 17, 1984

Dear Mr. Jablon:

Comments on Item # 145 Zoning Advisory Committee Meeting are as follows:

Property Owner: John W. & Elizabeth A. Lee  
Location: S/S Bird River Grove Road 4752' E. from C/I Ebenezer Road  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit side yard setback of 25' in lieu of the required 35'.


Acres: 100 x 232.3  
District: 15th.

The items checked below are applicable:

- (A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1981 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- (B) A building & other \_\_\_\_\_ permit shall be required before beginning construction.
- (C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (D) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (E) An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistant construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, line 2, Section 1407 and Table 1402, also Section 503.2.
- (F) Requested variance appears to conflict with the Baltimore County Building Code, Section/s \_\_\_\_\_
- (G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (H) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.
- (I) Comments: It appears this could be in a tidal flood area. If so, it shall comply with Section 519.0. All finish floor elevations shall be 1 foot above flood elevation.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

  
Charles E. Burman, Chief  
Plans Review

CJB:es

IN RE: PETITION ZONING VARIANCES  
S/S of Bird River Grove Road,  
4,752' E of the centerline of  
Ebenezer Road - 15th Election  
District  
John W. Lee, et ux,  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 84-206-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 25 feet instead of the required 35 feet, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.2, was purchased by Elizabeth A. Lee's father in 1962 and that the Petitioners purchased it from him in 1967. The property comprises two lots, Lots 46 and 47, each 50 feet wide and approximately 230 feet long. The Petitioners have entered into a contract of sale which requires that variances be obtained as requested herein. Petitioners' Exhibit 3. The property is presently vacant and the Contract Purchasers wish to construct a 50' x 30' dwelling, the minimum size capable of satisfying their needs. The house location and size take into account the restrictions imposed by the Department of Health as a result of the perc tests conducted. See Petitioners' Exhibit 2. Also, the property is in a tidal flood area and must comply with Section 519.0, The BOCA Basic Building Code (BOCA).

Existing homes in the area were all built on 50-foot lots or less, and most, if not all, do not meet the minimum setback requirements imposed by the Baltimore County Zoning Regulations (BCZR). In fact, the home to the west of the

Petitioners' property (Lot 48) is only 15 to 20 feet from the property line

and the home to the east (Lot 45) is about 25 feet from the property line. Petitioners' Exhibits 4 through 10, photographs, show the closeness of homes in the area to side property lines.

The Petitioners seek relief from Section 1A01.3.B.3, pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement that Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

ORDER RECEIVED FOR FILING

DATE February 21, 1984


BY John W. Lee, et ux

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of February, 1984, that the Petition for Variances to permit side yard setbacks of 25 feet instead of the required 35 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order.

  
Nicholas B. Commodari  
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE February 21, 1984

BY John W. Lee, et ux

- 3 -

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 13, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ofo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development


Mr. & Mrs. John W. Lee  
4520 Forge Road  
Perry Hall, Maryland 21128

RE: Item No. 145 - Case No. 84-206-A  
Petitioner - John W. Lee, et ux  
Variance Petition

Dear Mr. & Mrs. Lee:

Enclosed please find additional comments submitted after my original comments of February 8, 1984.

Very truly yours,

  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

JUN 20 1984



**BALTIMORE COUNTY DEPARTMENT OF HEALTH**  
 Zoning Item # 145 Date Feb 20, 1984  
 Page 2

**Zoning Commissioner**  
 Office of Planning and Zoning  
 County Office Building  
 Towson, Maryland 21204

Property Owners: John W. + Elizabeth A. Lee  
 Location: 5/8 Bird River Grove Road District 15  
 Water Supply public Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ( ) Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation before work begins.
- ( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Division of Air Pollution Control is required for any charcoal grill operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

**BALTIMORE COUNTY DEPARTMENT OF HEALTH**  
 Zoning Item # 145 Date Feb 20, 1984  
 Page 2

( ) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

( ) Soil percolation tests have been conducted.  
 { } The results are valid until  
 Revised plans must be submitted prior to approval of the percolation tests.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test  
 { } shall be valid until  
 is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.

( ) All roads and parking areas should be surfaced with a dustless, bonding material.

( ) No health hazards are anticipated.

(v) Others Soil percolation test are scheduled to be conducted on Feb. 9, 1984 by this office.  
Approval of a Building Permit by this office will be contingent upon satisfactory results of these tests.  
Notification will be available to this office and  
will be utilized when they are completed.

Ian J. Forrest, Director  
 BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

**BALTIMORE COUNTY**  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21204  
 494-3353

ARNOLD JABLON  
 ZONING COMMISSIONER

February 24, 1984

Mr. & Mrs. John W. Lee  
 4520 Forge Road  
 Perry Hall, Maryland 21128

IN RE: Petition Zoning Variances  
 S/S of Bird River Grove Road,  
 4,752' S of the centerline of  
 Ebenezer Road - 15th Election  
 District  
 John W. Lee, et ux - Petitioners  
 Case No. 84-206-A

Dear Mr. & Mrs. Lee:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,  
 Arnold Jablon  
 Zoning Commissioner

AJ/srl  
 Attachments  
 cc: People's Counsel

**BALTIMORE COUNTY, MARYLAND**  
 OFFICE OF FINANCE, REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 122999

DATE 12/8/83 ACCOUNT 01-615-000  
 AMOUNT 35.00

RECEIVED FROM John W. Lee  
 FOR File for Petition 145

C 026\*\*\*\*\*350016 PC82A

VALIDATION OR SIGNATURE OF CASHIER

Mr. & Mrs. John W. Lee  
 4520 Forge Road  
 Perry Hall, Maryland 21128

NOTICE OF HEARING  
 Re: Petition for Variance  
 S/S Bird River Grove Rd., 4,752' E of  
 the c/l of Ebenezer Road  
 John W. Lee, et ux - Petitioners  
 Case No. 84-206-A

TIME: 11:00 A.M.  
 DATE: Wednesday, February 22, 1984  
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: James E. Althoff  
 6116 Everall Avenue  
 Baltimore, Maryland 21206

James E. Althoff  
 Zoning Commissioner  
 of Baltimore County

**BALTIMORE COUNTY, MARYLAND**  
 OFFICE OF FINANCE, REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 126869

DATE 2/23/84 ACCOUNT R-01-615-000  
 AMOUNT \$38.64

RECEIVED FROM Elizabeth A. Lee  
 FOR Advertising & Posting Case #84-206-A

C 012\*\*\*\*\*386416 S234A

VALIDATION OR SIGNATURE OF CASHIER

**BALTIMORE COUNTY**  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21204  
 494-3353

ARNOLD JABLON  
 ZONING COMMISSIONER

February 8, 1984

Mr. & Mrs. John W. Lee  
 4520 Forge Road  
 Perry Hall, Maryland 21128

Re: Petition for Variance  
 S/S Bird River Grove Rd., 4,752' E of  
 the c/l of Ebenezer Road  
 John W. Lee, et ux - Petitioners  
 Case No. 84-206-A

Dear Mr. & Mrs. Lee:

This is to advise you that \$38.64 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
 Arnold Jablon  
 Zoning Commissioner

**PETITION FOR VARIANCE**  
 15th Election District

ZONING: Petition for Variance

LOCATION: South side Bird River Grove Road, 4,752 ft. East of the centerline of Ebenezer Road

DATE & TIME: Wednesday, February 22, 1984 at 11:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit side yard setbacks of 25 ft. instead of the required 35 ft.

Being the property of John W. Lee, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
 ARNOLD JABLON  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY

**BALTIMORE COUNTY**  
 DEPARTMENT OF HEALTH  
 TOWSON, MARYLAND 21204  
 DONALD J. ROOP, M.D., M.P.H.  
 DEPUTY STATE & COUNTY HEALTH OFFICER

February 21, 1984

Mr. & Mrs. John W. Lee  
 c/o Mr. William J. Wiseman, III  
 220 Bosley Avenue  
 Towson, Maryland 21204

Re: Lot 46 & 47, Section A, Bird River Grove, Bird River Grove Road, Election District 15

Dear Mr. & Mrs. Lee:

A representative of this office, Mr. Stephan R. Adamski, conducted soil evaluations on the above mentioned lot. The results are as follows:

TEST PIT	DRAWDOWN	DEPTH	SOIL
A	15 minutes	3 feet	Clay and organic debris 0-1 ft., silty sand 1-6 ft., sand and gravel 6-8 ft., gray silty sand 8-10 ft., gray clay 10 ft., water 7 ft.
B	25 minutes	3.5 feet	Same as test pit "A"
C	--	--	Silty sand 0-3 ft., gray clay with perched water throughout 3-10 ft.

Based on the evaluations, the plot plan, and the restrictions listed below, approval will be granted for the installation of a private sewage disposal system. The restrictions are as follows:

- Three bedroom maximum.
- Single family occupancy.
- Water saving devices shall be used on all plumbing fixtures.
- No automatic dishwasher and/or garbage disposal are to be used.

These restrictions are necessary for the proper use of a system at this location. Future building permits for this location will be contingent upon these same restrictions, which will be stated on the permit.

Mr. & Mrs. John W. Lee  
 February 21, 1984  
 Page 2

Specific comments for the above mentioned lot are attached. Those comments concerning your lot are indicated by an "X".

If you have any questions, please contact this office at 494-2762.

Very truly yours,  
 Brooks H. Stafford, H.S.  
 Director  
 ENVIRONMENTAL SUPPORT SERVICES

BHS:pb



SPECIFIC COMMENTS

- ( ) Where tile fields are proposed, the initial area plus 50 ft. of the tree dripline shall be cleared prior to construction of the system.
- ( X ) It should be noted that 5,000 sq. ft. is reserved for sewage disposal systems and areas for expansion. Under no circumstances shall any permanent structures, above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas line, etc., shall be permitted in the disposal system area.
- ( ) Soil percolation tests will be valid for a period of three years from the date the record plat is signed by the Deputy State and County Health Officer. At the expiration of this period, new tests may be required.
- ( X ) Soil evaluation results will be valid for a period of three years. At the expiration of this period of time, the results will become void without notice to that effect having been given by the approving authority.
- ( ) The permitted installation is for an interim Upon availability of the metropolitan utility, the interim system/s must be abandoned and all plumbing connected to the metropolitan system/s, in accordance with Section 2.19 of the Baltimore County Plumbing and Gasfitting code.
- ( X ) The source of water supply for this lot is from the metropolitan system.
- ( ) Where water wells are to be used as a source of water supply, Article XI, Section 13-118(g), of the Baltimore County Code requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a Building Permit.
- ( ) A review has been made of the water well yield test performed by The report of the yield test indicated that the test was performed in accordance with the procedures approved by the Board of Health, and indicates a yield which meets the minimum standards for approval of a Building Permit. This test shall be considered valid until , in accordance with Section 13-117 of the Baltimore County Code.
- ( ) A review has been made of the water well yield test performed by The report of the yield test indicates that the test was performed in ; therefore, a new test will be required. A test must be performed within three years of transfer of property or approval of a Building Permit.
- ( X ) If there are any questions regarding this matter, please contact Mr. Adamski, 494-2762, between 8:30 and 9:30 a.m.

SS 14 683

void and all monies on deposit will be returned.

Upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyers expense by the Seller, which shall convey the property to the Buyers.

Title to the property shall be good and merchantable, free of liens and encumbrances except as specified herein and except: Use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the sub-division in which the property is located, and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property.

Ground rent, rent and water rent shall be adjusted and apportioned as of date of settlement, and all taxes, general or special, and all other public or governmental charges or assessments against the premises which are or may be payable on an annual basis (including Metropolitan District, Sanitary Commission or other benefit charges, assessments, liens or encumbrances for sewer, water, drainage or other public improvements completed or commenced on or prior to the date hereof, or subsequent thereto), are to be adjusted and apportioned as of the date of settlement and are to be assumed and paid thereafter by Buyer, whether assessments have been levied or not as of date of settlement.

Possession of the premises shall be given to Buyers as of date of settlement.

The herein described property is to be held at the risk of the Sellers until legal title has passed or possession has been given to Buyers. If, prior to the time legal title has passed or possession has been given to Buyers, all or a substantial part of the property is destroyed or damaged,

WILLIAM J. WISEMAN, III  
ATTORNEY AT LAW  
330 ROSLEY AVENUE  
TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jaelon  
TO: Zoning Commissioner Date: February 1, 1984  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
John W. Lee, et ux  
SUBJECT: 84-206-A

There are no comprehensive planning factors requiring comment on this petition.

*Norman E. Gerber per H. B. B. B.*  
Norman E. Gerber, Director  
Office of Planning and Zoning

NEG/JGH/sf

without fault of the Buyers then this contract, at the option of the Buyers shall be null and void and of no further effect, and all monies paid hereunder shall be returned promptly by Sellers to Buyers.

This Contract contains the final and entire Agreement between the parties hereto, and neither they nor their Agents shall be bound by any terms, conditions or representatives not herein written.

The cost of all documentary stamps, required by law, recordation tax and transfer tax, where required by law, shall be paid by Buyers.

The parties hereto hereby bind themselves, their heirs, personal representatives, successors and assigns for the faithful performance of this Contract.

WITNESS the hands and seals of the parties hereto the day and year first above written.

Witness

*John W. Lee* (SEAL)  
JOHN W. LEE

*Elizabeth A. Lee* (SEAL)  
ELIZABETH A. LEE

Witness

*James E. Althoff* (SEAL)  
JAMES E. ALTHOFF

*Kathleen M. Althoff* (SEAL)  
KATHLEEN M. ALTHOFF

WILLIAM J. WISEMAN, III  
ATTORNEY AT LAW  
330 ROSLEY AVENUE  
TOWSON, MARYLAND 21204

ZONING DESCRIPTION

Beginning at a point on the south side of Bird River Grove Road 4752 feet east of the centerline of Ebenezer Road, as recorded in the Land Records of Baltimore County in Plat Book 7 Folio 189, Section A Lots 46 and 47. In the 15th Election District.

Mr. & Mrs. John W. Lee  
4520 Forge Road  
Perry Hall, Md. 21128

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 20th day of December, 1983.

*Arnold Jaelon*  
ARNOLD JAELO  
Zoning Commissioner

Petitioner John W. Lee, et ux  
Petitioner's Attorney

Received by *Nicholas B. Commodari*  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15 Date of Posting 1/24/84  
Posted for: Petition for Variance  
Petitioner: John W. Lee, et ux  
Location of property: 4752 Forge Road, Perry Hall, Md. 21128  
Location of Sign: front of property (Perry Hall, Md.)  
Remarks: *See above*  
Posted by: *Nicholas B. Commodari* Date of return: 2/2/84  
Number of Signs: 1

PETITIONER'S  
STANDARD FORM NO. 100-1  
EXHIBIT 3

This Agreement of Sale, made this  
, nineteen hundred and eighty-three, between  
JOHN W. LEE AND ELIZABETH A. LEE, Sellers, and JAMES E. ALTHOFF  
AND KATHLEEN M. ALTHOFF, Buyers.

WITNESS that the said Sellers do hereby bargain and sell unto the said Buyers, and the latter does hereby purchase from the former the following described property, situate and lying in Baltimore County, State of Maryland and being known and designated as Lots 46 and 47, Section A, as shown on the Plat of Bird River Grove, which said Plat is recorded among the Land Records of Baltimore County in Liber W.P.C. No. 7, folio 189,  
At and for the price of SIXTEEN THOUSAND DOLLARS, (\$16,000.00) of which FIVE HUNDRED DOLLARS (\$500.00) have been paid prior to the signing hereof, and the balance to be paid in cash at settlement which shall be on or before six (6) months from the date hereof.

The contract shall have two (2) contingencies as follows:

(1) This contract is contingent upon the Sellers obtaining at their expense a satisfactory percolation test from Baltimore County on or before April 30, 1984. If this contingency cannot be fulfilled then this contract shall become null and void and all monies of deposit shall be returned to the Buyers.

(2) This contract is conditioned on the Sellers obtaining at their cost a zoning variance on the present allowable zoning for RC-2 Residential (which has required side yard set backs of 35 feet) to satisfy the Buyers that construction of a fifty (50) foot wide home will be allowable. If the zoning variance cannot be obtained within 150 days from the date of this contract then the Buyers can elect to declare this contract null and

WILLIAM J. WISEMAN, III  
ATTORNEY AT LAW  
330 ROSLEY AVENUE  
TOWSON, MARYLAND 21204

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 2, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 2nd day of February, 1984, the 2nd publication appearing on the 2nd day of February, 1984.

*THE JEFFERSONIAN*  
Manager

Cost of Advertisement, \$... 16.00

PETITION FOR VARIANCE  
15th Election District  
LOCATION: South side Bird River Grove Road, 4752 ft. East of the centerline of Ebenezer Road  
DATE & TIME: Wednesday, February 23, 1984 at 11:00 A.M.  
PUBLIC HEARING: Room 205 County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for variance to permit a lot of 20 ft. wide of the property of John W. Lee, et ux at above on said plat filed with the Zoning Department. In the event that this petition is granted, a building permit may be issued and the lot may be used for residential purposes. The Zoning Department will receive a copy of the petition and will forward a copy of the petition to the Board of Health. The petition for variance shall be filed with the Zoning Department on or before the date of the hearing and shall be made in writing by the date of the hearing. By Order of  
ARNOLD JAELO  
Zoning Commissioner  
of Baltimore County

JUN 20 1984



**Petition For  
Variance**  
DISTRICT  
SECTION  
LOCATION: South side  
Bird River Grove Road,  
18 ft. E. of the con-  
fluence of Shinner Road.  
DATE & TIME  
Wednesday, February 26,  
1947 11:00 A.M.  
PUBLIC HEARING  
Room 104, County Office  
Building, 111 W. Ches-  
apeake Avenue, Towson,  
Maryland.  
The Zoning Commis-

# **The Times**

Middle River, Md., Feb 2 1947

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed  
and published in Baltimore County, once in each  
of \_\_\_\_\_ successive

weeks before the \_\_\_\_\_ day of  
Feb 19 47  
S. J. W. J. Publisher.

By Order Of  
Ardell Nelson  
Zoning Commissioner  
Of Baltimore County

